

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

CASE NO. 19-CR-20141-JLK-2

Plaintiff,

vs.

VICTOR ROJAS,

Defendant,

**DEFENDANT VICTOR ROJAS' AND THE UNITED STATES OF AMERICA'S
JOINT MOTION TO INCLUDE A PROVISION IN THE JUDGMENT THAT THE
TERM OF INCARCERATION IMPOSED SHALL RUN CONCURRENTLY WITH THE
SENTENCE TO BE IMPOSED IN SDNY CASE NO. 1:19-00091-Cr-DLC**

COMES NOW the Defendant, **VICTOR ROJAS**, and the **UNITED STATES OF AMERICA**, by and through their respective counsel, and present herewith, their Joint Motion to Include a Provision in the Judgment that the Term of Incarceration Imposed Shall Run Concurrently with the Sentence to be Imposed in Southern District of New York Case No. 1:19-00091-Cr-DLC, and states as follows:

1. On Monday, August 17, 2020 at 10:00 a.m., the sentencing hearing was held in this cause *via* "Zoom."

2. At that time, the parties inadvertently failed to remind this Honorable Court that paragraph 15 of the Plea Agreement in this cause provides as follows:

15. The U.S. Attorney's Office for the Southern District of Florida does not object to the sentence pronounced for this offense being run concurrent to any sentence pronounced in the offense charged in the Indictment captioned *United States v. Victor Rojas-Bascope*, S7 19 Cr 91 in the United States District Court for the Southern District of New York which was returned by a grand jury there in February, 2019.
[D.E. 62]

3. Additionally, the Presentence Investigation Report at paragraph 9 makes reference to that provision in the Plea Agreement as well. [D.E. 69]

4. Both the Defendant, **VICTOR ROJAS**, and the **UNITED STATES OF AMERICA**, agree that the intent of the parties was that the sentence pronounced in this case would run concurrently with any sentence pronounced in the proceeding pending in the Southern District of New York.

5. The parties apologize if this joint motion has caused any inconvenience for this Honorable Court.

6. The within joint motion is filed in the utmost of good faith and in the interest of fulfilling the intention of the parties at the time the Defendant entered his plea of guilty in this cause.

WHEREFORE, Defendant, **VICTOR ROJAS**, and the **UNITED STATES OF AMERICA**, respectfully pray that this Honorable Court enter its order granting the within Joint Motion, and thereby include a provision in the Judgment that the term of incarceration imposed shall run concurrently with the sentence to be imposed in Southern District of New York Case No. 1:19-00091-Cr-DLC.

Respectfully submitted,

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/s/ Ana M. Davide
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Respectfully submitted,

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on this 19th day of August, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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